

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Hajji Y. McReynolds,

Case No. 23-cv-2681 (WMW/TNL)

Petitioner,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

Dawanna S. Witt, *Sheriff*,

Respondent.

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This matter is before the Court on the September 22, 2023 Report and Recommendation (“R&R”) of United States Magistrate Judge Tony N. Leung. (Dkt. 5.) The R&R recommends transferring Petitioner Hajji Y. McReynolds’s habeas petition to the United States District Court for the Western District of Wisconsin. McReynolds filed objections to the R&R. (Dkts. 8, 10.) For the reasons addressed below, the Court overrules McReynolds’s objections, adopts the R&R and transfers the petition to the Eastern District of Wisconsin.

**BACKGROUND**

A jury found McReynolds guilty of two counts of delivery of a cocaine in violation of Wisconsin state law. *State v. McReynolds*, 975 N.W.2d 265, 269 (Wisc. Ct. App. 2022). On July 27, 2015, a Wisconsin state trial judge sentenced McReynolds to 5 years in prison and 5 years of extended supervision. *Id.* at 271. McReynolds appealed the state trial court order denying his postconviction motion and also filed a direct appeal of his convictions. *Id.* at 269. The Wisconsin Court of Appeals consolidated the appeals and affirmed the

order and the convictions. *Id.* Subsequently, the Wisconsin Supreme Court denied McReynolds's request for further review. *State v. McReynolds*, 2022 WL 17573673 (Wis. 2022).

McReynolds initiated this habeas action when he was in Hennepin County, Minnesota. Shortly after, he was transferred to the custody of Eau Claire County, Wisconsin. *See* Inmate Listing, <https://www.eauclairecounty.gov/our-government/departments-and-facilities/departments-directory/sheriff/security-services-division/inmate-listing> (last accessed Nov. 14, 2023.) Because McReynolds is no longer in Minnesota, Magistrate Judge Leung issued an R&R, recommending that this matter be transferred to the Western District of Wisconsin.

### ANALYSIS

The Court reviews *de novo* the portions of an R&R to which a party has objected and “may accept, reject, or modify, in whole or in part, the findings or recommendation made by the magistrate judge.” 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b)(3). A party's objections to an R&R must specifically address the portions of the magistrate judge's report and recommendation to which objections are made and offer a basis for the objections. *Mayer v. Walvatne*, No. 07-cv-1958, 2008 WL 4527774 at \*2 (D. Minn. Sept. 28, 2008). The Court reviews for clear error objections that restate arguments that were made to and considered by the magistrate judge. *Montgomery v. Compass Airlines, LLC*, 98 F.Supp.3d 1012, 1017 (D. Minn. Mar. 30, 2015).

The Court does not consider new evidence that was not submitted to the magistrate judge for consideration. *In re Bair Hugger Forced Air Warming Devices Prods. Liab.*

*Litig.*, No. 15-cv-2666, 2017 WL 137257, at \*2 (D. Minn. Apr. 13, 2017) (citing *Roberts v. Apfel*, 222 F.3d 466, 470 (8th Cir. 2000)). Absent specific objections, the Court reviews an R&R for clear error. *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). The Court liberally interprets a *pro se* party's objections. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Horsey v. Asher*, 741 F.2d 209, 211 n.3 (8th Cir. 1984).

McReynolds's filed objections to the R&R. Even when liberally interpreting McReynolds's objections, the objections lack any specificity and do not address any substantive issue in the R&R. As such, the Court reviews the R&R for clear error. Having found no clear error, the Court adopts the R&R and transfers this matter to the Western District of Wisconsin pursuant to 28 U.S.C. § 1404(a).

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Petitioner Hajji Y. McReynolds's objections to the September 22, 2023 R&R, (Dkts. 8, 10), are **OVERRULED**;
2. The September 22, 2023 R&R, (Dkt. 5), is **ADOPTED**;
3. Petitioner Hajji Y. McReynolds's habeas petition is **TRANSFERRED** to the United States District Court for the Western District of Wisconsin.

Dated: December 12, 2023

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge